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OFFICE OF PETITIONS

In re Application of
Yiu, et al.
Application No. 09/895,521
Filed: June 29, 2001
Attorney Docket No. 3399P049

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(f), filed May 15, 2003, which is being treated as a petition under 37 CFR 1.137(b).

The petition is **DISMISSED AS MOOT.**

The above-identified application was filed on June 29, 2001 with a nonpublication request and certification under 35 U.S.C. 122(b)(2)(B)(i). On December 26, 2001, applicant filed a Request to Rescind Previous Nonpublication Request.

With the instant petition, applicant states that the application was foreign filed on January 21, 2002.

As the Request to Rescind Previous Nonpublication Request was filed before the foreign filing, the application will be treated as if the nonpublication request was never made.¹

The petition fee of \$1,300 has been refunded to Deposit Account No. 02-2666.

¹ See "Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. 122(b)(2)(B)(ii)-(iv)", available at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognnotice/35usc122b2binterpret.htm>.

As requested, the Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of September 25, 2003 accompanies this decision.

The application file is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

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Petitions Attorney
Office of Petitions

Enc: Notice Regarding Rescission of Nonpublication Request
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